

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 11TH APRIL, 2007 / 21ST CHAITHRA, 1929

WP(C).No. 12546 of 2007(R)

PETITIONER:

N.SUBRAMONIAN, MANAGING PARTNER,
MONARCH TRADERS, 4A, THE MONARCH, ST.ANTONY'S
ROAD, ELAMAKKARA, KOCHI-26.

BY ADV. SRI.N.RAGHURAJ
SMT.K.AMMINIKUTTY

RESPONDENTS:

1. GOVERNMENT OF KERALA, REPRESENTED BY
THE SECRETARY TO FOOD AND CIVIL SUPPLIES,
SECRETARIAT, THIRUVANANTHAPURM.
2. THE COMMISSIONER CIVIL SUPPLIES,
TRIVANDRUM.
3. DISTRICT COLLECTOR,
ERNAKULAM.
4. K.K.SHAJI, KURUPPASSERY HOUSE,
48/1516,
ST.ANTONY'S ROAD, ELAMAKKARA, KOCHI-26.
5. CITY RATIONING OFFICER,
ERNAKULAM.

BY GOVT. PLEADER SRI.I.V.PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 11/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

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Dated this the 11th day of April, 2007

J U D G M E N T

The petitioner is the Managing Partner of a partnership firm. He applied for grant of an authorised wholesale distributorship of rationed articles which was granted in favour of the petitioner. The petitioner has thus been running A.W.D. After one year, pursuant to the orders in appeal filed by the fourth respondent, the District Collector cancelled the dealership granted to the petitioner on the ground that no dealership can be granted to a partnership firm. Immediately, on receipt of the copy of the order, the petitioner filed an appeal before the Commissioner of Civil Supplies since the respondents took steps to implement the appellate order. He also filed a stay petition and approached this Court by filing W.P.(C) No.11724 of 2007 in which I passed Ext.P6 judgment by which I directed the Commissioner of Civil Supplies to dispose of the stay petition. I further directed that till the stay petition was disposed of, implementation of the impugned order would be kept in abeyance and the petitioner therein should be

allowed to run the AWD till then subject to the orders to be passed on the stay petition. Pursuant to the same, Ext.P7 order has been passed rejecting the application for stay filed by the petitioner. One of the grounds mentioned for rejecting the application for stay is that the District Supply Officer, Ernakulam has already implemented the impugned order (Ext.P4).

2. I do not think that the observation of the Commissioner of Civil Supplies is correct because I had in Ext.P6 judgment specifically directed that the impugned order (Ext.P4) would be kept in abeyance and the petitioner should be allowed to continue to run the AWD. In any event, I am of the opinion that the question as to whether the dealership can be granted to a partnership firm is itself a debatable question. That being so, I am satisfied that until the appeal of the petitioner is disposed of, there should be a stay of the impugned order. Accordingly, I quash Ext.P7 order and direct that the impugned order(Ext.P4) would be kept in abeyance and the petitioner would be allowed to continue to run the AWD till the disposal of Ext.P5 appeal. There would also be a

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direction to the second respondent to dispose of Ext.P5 appeal, as expeditiously as possible, at any rate, within one month from the date of receipt of a copy of this judgment.

The writ petition is disposed of with the above direction.

**S. SIRI JAGAN,
Judge**

Mbs/

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S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:13-02-2007

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